

Permitting & Assistance Branch Staff Report
 Revised Solid Waste Facilities Permit for Savage Canyon Landfill
 SWIS No. 19-AH-0001
 October 23, 2013

Background Information, Analysis, and Findings:

This report was developed in response to the County of Los Angeles, Department of Public Health, Local Enforcement Agency (LEA) request for Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed revised Full Solid Waste Facilities Permit (SWFP) for Savage Canyon Landfill, SWIS No. 19-AH-0001, located in Los Angeles County, and owned by the City of Whittier and operated by the City of Whittier, Department of Public Works. The report contains Permitting and Assistance Branch staff's analysis, findings, and recommendations.

The proposed revised SWFP was received on September 5, 2013. Action must be taken on this SWFP no later than November 4, 2013. If no action is taken by November 4, 2013, the Department will be deemed to have concurred with the issuance of the proposed revised SWFP.

Proposed Changes

The following changes to the first page of the permit are being proposed:

	Current SWFP (1995)	Proposed SWFP
Permitted Hours of Operation	Landfill and Ancillary Operations – As restricted by local ordinances Receipt of Refuse – 7:30 a.m. to 3:00 p.m., Monday through Saturday	Receipt of Refuse – 7:30 a.m. to 3:00 p.m., Monday through Saturday Receipt of Inert Debris – 8:30 a.m. to 3:00 p.m., Monday through Friday Ancillary Operation/Facility Operating Hours – 7:30 a.m. to 4:00 p.m. hours per day, Monday through Saturday
Permitted Maximum Tonnage	Total: 350 tons/day (TPD) Non-hazardous – Refuse 350 tons/day	Total: 3,350 TPD Non-hazardous – Refuse 350 TPD Non-hazardous – Inert Debris for beneficial reuse 3,000 TPD * see page 5 part C, Specifications
Permitted Area	132 acres (Disposal – 132 acres)	132 acres (Disposal – 102 acres)
Maximum Elevation	900 feet above Mean Sea Level (MSL)	910 feet above MSL
Estimated Closure Date	2025 at 350 TPD	2055* see page 5 part C, Specifications

Other changes include:

1. The submittal of a revised Joint Technical Document (JTD), including the Preliminary Closure and Postclosure Maintenance Plans, dated February 2012.
2. A revision to the SWFP “Documents” section to include the most recently prepared environmental document and JTD. Other documents were removed from the section since they were not under the responsibility of the LEA.
3. A revision to the SWFP “Self-Monitoring” section to remove the monitoring programs that do not fall under the responsibility of the LEA.
4. A reformat of the SWFP “Prohibitions” section to clarify the list of unacceptable wastes.

5. A revision to the SWFP “LEA Conditions” section to include conditions relative to dust and odor control measures, vehicle queuing, and beneficial use material. Conditions that were a duplication of design parameters were eliminated.

Key Issues

The proposed SWFP will allow for the following:

- Correction to the permitted disposal area from 132 acres to 102 acres;
- Correction to the maximum elevation from 900 feet above MSL to 910 feet above MSL (the 10 feet includes the three percent grade at the ridgeline for drainage as depicted by the final grading plan);
- Update to the total landfill capacity from 14.95 million cubic yards to 19,337,450 cubic yards;
- Update to the estimated closure date from 2025 to 2055;
- Limit the receipt of inert debris for beneficial use material to 3,000 TPD, with an annual limit of 240,000 tons.

Background:

Savage Canyon Landfill is located at 13230 East Penn Street, in the City of Whittier (County of Los Angeles). The proposed revised SWFP will allow for the continued operation of the landfill. The facility currently operates under the 1995 SWFP.

The facility opened in 1930 as an unregulated burn-dump site for the City of Whittier. In 1950s, it was converted to a Class II Sanitary Landfill. From August 21, 1963 to present, it has operated as a Class III waste disposal facility.

Findings:

Staff recommends concurrence in the issuance of the proposed revised SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685 have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the table below. The documents on which staff’s findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained in the facility files maintained by the Waste Permitting, Compliance and Mitigation Division.

CCR Title 27 Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated August 30, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	A Permit Review Report was prepared by the LEA on January 29, 2009. The LEA provided a copy to the Department on February 2, 2009. The changes identified in the review are reflected in this permit revision.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facilities Permit	Staff received a proposed Solid Waste Facilities Permit on September 5, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

CCR Title 27 Sections	Findings	
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on September 5, 2013, provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) in the Jurisdiction Product & Compliance Unit found the facility is identified in the Countywide Siting Element, as described in their memorandum dated September 6, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(5) Preliminary or Final Closure/Postclosure Maintenance Plans Consistency with State Minimum Standards	The Engineering Support Branch staff in the Closure and Facility Engineering Unit found the Preliminary Closure/Postclosure Maintenance Plans are consistent with State Minimum Standards as described in their memorandum dated August 27, 2012.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(6) Known or Reasonably Foreseeable Corrective Action Cost Estimate	The Engineering Support Branch staff in the Closure and Facility Engineering Unit found the written estimate to cover the cost of known or reasonably foreseeable corrective action activities is approvable as described in their memorandum dated August 27, 2012.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(7)(A) Financial Assurances Documentation compliance	The Permitting & Assistance Branch staff in the Financial Assurances Unit found the Financial Assurance documentation in compliance as described in their letter dated August 6, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(7)(B) Operating Liability Compliance	The Permitting & Assistance Branch staff in the Financial Assurances Unit found the Operating Liability in compliance as described in their letter dated August 6, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards (SMS)	WEEB staff in the Inspection and Enforcement Agency Compliance Unit conducted a pre-permit inspection on October 23, 2013, and found the facility to be in compliance with applicable state minimum standards. See Compliance History section below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on September 5, 2013, that the proposed permit is consistent with and supported by the existing CEQA documentation. See Environmental Analysis section below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and/or Meeting, Comments	A Public Informational Meeting was held by the LEA on July 24, 2013. Written and oral comments were received by the LEA staff. See Public Comment section below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

CCR Title 27 Sections	Findings	
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting & Assistance Branch staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed revised SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History:

WEEB staff in the Inspection and Enforcement Agency Compliance Unit conducted a pre-permit inspection on October 23, 2013 and cited one violation for PRC Section 44014(b) - Operator Complies with Terms & Conditions, during their inspection. The violation is due to the operator filling above the currently permitted grading contours (elevation) on the west central portion of the landfill, but not the permitted maximum elevation, as described and illustrated in the Report of Disposal Site Information (RSDI), dated November 3, 1989. However, Permitting & Assistance Branch staff determined that the design and operations described in the submitted Joint Technical Document (JTD), dated February 2012, as well as issuance of the revised permit, will remedy the violation by incorporating the revised final grading plan in the JTD, which is a conditioning document of the proposed SWFP, and allow the facility to comply with state minimum standards and terms and conditions of the SWFP and thus allow the Department to concur in the issuance of the proposed SWFP under 27 CCR, Section 21685.

Below are the details of the landfill's compliance history based on the LEA's monthly inspection reports during the last five years:

- May 9, 2012 through September 26, 2013 – Public Resources Code (PRC) Section 44014(b) Operator Complies with Terms & Conditions – The operator previously filled above the permitted grading contours on the west central portion of the landfill from that described in the governing 1989 RDSI. The grading plan provided in the 1989 RDSI illustrates a grade of between 750 to 800 feet mean sea level (MSL) in the central portion of the landfill. The April 2009 topographic map illustrates an elevation of approximately 830 plus feet MSL on this portion of the landfill. Disposal activities in this area ceased in early 2000. However, the change (increase) in elevation along this portion of the facility has not yet been incorporated in the SWFP as part of a revised final grading plan.
- November 16, 2010 through September 9, 2011 – PRC Section 44014(b) Operator Complies with Terms & Conditions – See previous summary regarding PRC Section 44014(b).
- February 18, 2010 through April 29, 2010 – 27 CCR, Section 20921, Gas Monitoring and Control – The facility was in violation of landfill gas concentrations above five percent by volume in air.
- May 20, 2009 – PRC Section 44014(b) Operator Complies with Terms & Conditions – See previous summary regarding PRC Section 44014(b).

The violation for PRC Section 44014(b) will be corrected once the revised SWFP is issued. The violation for 27 CCR Section 20921 was corrected to the satisfaction of the LEA.

Environmental Analysis:

Under CEQA, the Department must consider, and avoid or substantially lessen where feasible and within its jurisdiction, any potentially significant environmental impacts of the proposed

revised SWFP before the Department concurs on it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the City of Whittier, acting as the Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

The changes that will be authorized by the proposed project include: an increase in the landfill's remaining capacity from 8.12 million cubic yards to 12.51 million cubic yards; a total capacity increase from 14.95 million cubic yards to 19.34 million cubic yards; correct the permitted disposal area from 132 acres to 102 acres; increase final elevation from 900 feet MSL to 910 feet MSL; an update to the closure date from 2025 to 2055; and limit the receipt of inert debris for beneficial use material to 3,000 tons per day and 240,000 tons per year.

An Initial Study/Negative Declaration (IS/ND) for a Final Grading Plan, State Clearinghouse (SCH) No. 2000011006, was circulated for a 30 day comment period from January 4, 2000, through February 2, 2000, and March 8, 2001 through April 6, 2001. The project analysis concluded that the proposed project would not have a significant effect on the environment and that it would not result in any impacts requiring mitigation. The IS/ND was adopted by the City of Whittier City Council on October 23, 2003. In addition, a ND for the Installation of the Phase 2 Composite Liner, SCH No. 2001021038 was circulated for a 30 day comment period from February 7, 2001 through March 8, 2001. The project analysis concluded that the proposed project would not have a significant effect on the environment and that it would not result in any impacts requiring mitigation.

Upon review of the permit application and supporting documentation from the City of Whittier, as the Lead Agency under CEQA, regarding the existing receipt of inert materials above the 350 tons of municipal solid waste received per day, the LEA determined that the receipt of inert debris for beneficial use material was an activity which existed prior to the issuance of the 1978 SWFP, but had not been properly identified in any SWFPs since then. As a result, the LEA determined that the receipt of the inert debris for beneficial use material is an existing use and falls under Title 14, California Code of Regulations, Section 15301 (Class 1 – Existing Facilities). This Categorical Exemption allows for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private facilities involving negligible or no expansion of use beyond that existing at the time of the Lead Agency's determination. The LEA filed a Notice of Exemption (NOE) with the Los Angeles County Clerk on April 11, 2013.

The LEA has provided a finding that the proposed revised SWFP is consistent with and supported by the cited environmental documentation.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, follow the CEQA determinations made by the Lead Agency in that there are no grounds under CEQA for the Department to prepare a new, subsequent or supplemental environmental document or assume the Lead Agency role for its consideration of the proposed revised SWFP. The Department will file its own NOE for the project.

The CEQA administrative record for the decision to be made by the Department is determined by Public Resources Code Section 21167.6(e) and includes all written evidence or

correspondence submitted to or transferred from the Department with respect to the project's CEQA compliance, the proposed revised SWFP and all of its components and supporting documentation, this staff report, the IS/ND adopted by the Lead Agency, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed revised SWFP. The custodian of the Department's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Public Comments:

The project document availability, hearings, and associated meetings were noticed consistent with the SWFP requirements. The LEA held a public informational meeting on July 24, 2013, at the Whittier Historic Depot, located at 7333 Greenleaf Avenue, in Whittier. A total of 10 individuals were in attendance, including two Whittier residents, three City of Whittier representatives, three LEA staff, one Los Angeles County Department of Public Works staff, and one CalRecycle staff person. The following is the LEA's summary of comments received by the Whittier residents:

Residents of Penn Street which is the main access street to the Savage Canyon Landfill, provided comments regarding their concerns on the amount of traffic and queuing of large trucks currently accessing the landfill and the prospect of more traffic generated due to the proposed 3,000 tons per day of inert debris material. There are concerns that Penn Street is already impacted by Whittier College Sports Complex traffic, Penn Park visitors, shortcut commuters and the pending oil project which will utilize Penn Street if no other alternative is proposed. Some residents questioned the veracity and validity of the 1977 and 1985 CEQA documents in regard to traffic and inert debris increase. In addition, there were concerns about air pollution caused by trucks queuing on Penn Street.

Following the public informational meeting, the LEA and CalRecycle received 13 emails from the public. Many of the concerns shared by the public include the environmental impacts as a result of the vehicle trips for the receipt of 3,000 tons per day of inert debris, lack of public notice, and a need for additional environmental analysis. Other concerns were related to impacts caused by other projects such as the Whittier College Sports Complex and the Whittier Matrix Oil Field Project. Some commenters suggested that conditions be added to the SWFP related to weekly, monthly or annual tonnage limits, limit hours of receipt of inert debris, truck trips and weight, and advance notice of increased traffic activity. In addition to providing responses during the informational meeting, the City of Whittier Director of Public Works emailed attendees, and other members of the public that submitted written comments, a copy of a memorandum prepared by the Director of Public Works to the City Manager, dated July 29, 2013, summarizing comments received and responses to the concerns raised.

In response to the comments received during and following the LEA's public informational meeting, the LEA and the City of Whittier reached an understanding and conditions were added to the proposed SWFP, including: limit the receipt of inert debris to 8:30 a.m. to 3:00 p.m. Monday through Friday; a maximum annual load of 240,000 tons per year of inert debris to be used for beneficial reuse only; and no queuing of vehicles will be allowed on public streets leading to the landfill. With regard to the concerns about air pollution caused by trucks, the LEA responded that they do not have jurisdiction over vehicle-generated air pollutants and residents with concerns about air emissions may contact the Air Resources Board or the local Air Pollution Control District.

In addition, Department staff received an email from the Los Angeles County Integrated Waste Management Task Force (Task Force) on October 14, 2013. The Task Force also forwarded two letters sent to the City of Whittier Director of Public Works, dated March 22, 2012, and August 6, 2013, regarding the facility's finding of conformance as part of the email.

In response to comments raised about the finding of conformance, the LEA in their permit submittal package received on September 5, 2013, provided a finding that the facility is consistent with PRC Section 50001. As stated above, WEEB staff in the Jurisdiction Product & Compliance Unit found the facility is identified in the Countywide Siting Element (CSE), as described in their memorandum dated September 6, 2013. Furthermore, in a situation such as this, where a facility has already been identified in the CSE, the operator included that information in their permit application (Form CIWMB E-1-77, Part 2.D. on Page 1), the LEA verified that the information is correct, and the Department made a determination that the facility meets the requirements of PRC Section 50001, the Task Force does not have a role in the conformance process. Current statute and regulation does not provide a role for the Task Force regarding the Department's conformance process for action on this proposed SWFP.

In response to comments received regarding the adequacy of the CEQA documents for this project, the Department has no discretion or authority to prepare a new, subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the proposed revised SWFP. Thus, under the circumstances, the Department must rely on the existing CEQA compliance by the Lead Agency.

As part of the CEQA record, the City of Whittier Department of Public Works submitted supporting documentation to the Lead Agency regarding the receipt of inert materials above the 350 tons of municipal solid waste received per day noting that the practice predates the current 1995 SWFP and has been practiced over the life of the facility. The Lead Agency reviewed the supporting documentation and determined that additional CEQA review is not required, as described in the Lead Agency's November 19, 2012 correspondence to the LEA. Based on the Lead Agency's determination and review of the supporting documentation submitted, the LEA determined the acceptance of the inert materials for beneficial reuse is an existing activity and thus filed a NOE, which was filed with and posted by the Los Angeles County Clerk on April 11, 2013. The Lead Agency provided correspondence, dated July 23, 2012, stating that the 2001 IS/ND is adequate CEQA compliance for the maximum elevation at the ridgeline of 910 feet MSL and the final grading plan with a 900 foot MSL contour at the edge of the top deck and a peak elevation of 910 feet MSL has been fully studied and the IS/ND was properly circulated and approved.

In response to comments raised about the LEA noticing their public informational meeting, the LEA noticed the meeting in accordance with the requirements contained in Title 27, California Code of Regulations. With regard to questions and comments pertaining to local noticing requirements, air emissions, traffic, traffic routes, vehicle weight, speed limits, and impacts on the value of neighboring houses, the Department does not have statutory or regulatory authority over these issues.

Written comments addressed to and received by Department staff have been posted on the Department's web page (<http://www.calrecycle.ca.gov/PublicInfo/>).

Based on the information provided in the application package and as supported in this staff report, there are no grounds for the Department to object to the concurrence in the revised SWFP pursuant to PRC 44009(a)(2) or conduct further CEQA review.

The Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meetings on September 17, 2013 and October 15, 2013.